Appl. No. 10/074,319
Amdt. Dated October 12, 2004
Reply to Office Action of June 9, 2004

## REMARKS

Reconsideration of the application is requested.


Claims 1-14 are now in the application.  Claims 1 and 3 have

been amended.  Claims 8-14 have been added.


In "Drawings" item 2 on page 2 of the above-identified Office

Action, the Examiner objected to the drawings because of two

(2) spelling errors in Fig. 1 and Fig. 2.  The Examiner's

suggested corrections have been made.


In "Claim Rejections - 35 USC § 102" item 4 on page 2 of the

above-identified Office Action, claims 1 and 3-6 have been

rejected as being fully anticipated by U.S. Patent No.

5,923,624 to *Groeger, et al.* (hereinafter **GROEGER**) under 35

U.S.C. § 102(b).


In "Claim Rejections - 35 USC § 103" item 6 on page 4 of the

above-identified Office Action, claims 2 and 7 have been

rejected as being obvious over **GROEGER** in view of U.S. Patent

No. 5,867,776 to *Noda* (hereinafter **NODA**) under 35 U.S.C. §

103(a).


The rejections have been noted and the claims have been

amended in an effort to even more clearly define the

Appl. No. 10/074,319
Amdt. Dated October 12, 2004
Reply to Office Action of June 9, 2004

invention of the instant application.  Support for the

changes is found on pages 4, 7, 9, and 10 of the

specification and in FIG. 5 of the instant application.


Before discussing the prior art in detail, it is believed

that a brief review of the invention as claimed, would be

helpful.  Claim 1 calls for, *inter alia*, a method for

providing a radio with prerecorded messages for programmed

playback including the steps of:

> programming storage and playback circuitry with a
> message and message particulars;
>
> connecting the storage and playback circuitry between a
> demodulator and an audio amplifier of a radio to
> **automatically initiate periodic replacement** of received
> radio signals with the message; and
>
> inputting a signal from the demodulator to an audio
> integrated circuit of the storage and playback
> circuitry.


Independent claim 3 contains similar language. Claim 3 calls

for, *inter alia*, an apparatus adapted to be connected to a

radio including:

> a storage and playback circuit connected between a
> demodulator and an audio amplifier of said radio; and
>
> a timer **to automatically initiate periodic playback** of
> at least one prerecorded message by said storage and
> playback circuit.


New independent Claim 14 calls for, *inter alia*, a method for

providing a radio with **at least one prerecorded message** for

**automatic** programmed playback including the steps of:

receiving a radio broadcast and playing at least a
portion of the received radio broadcast;

determining whether an RDS signal is associated with the
radio broadcast

upon determining that an RDS signal is present and
detecting a regular programmed commercial in the
received radio broadcast, **automatically playing** the at
least one **prerecorded message instead;** and

otherwise **periodically playing** the at least one
**prerecorded message instead** of a portion of the received
radio broadcast.

The **GROEGER** reference discloses a car radio receiver with a

recording unit for audio data.  The recording unit 6 is

located within a removable operating portion 4 of the radio

receiver and includes a microphone 8 that facilitates the use

of the recording unit 6 as a dictation device.  The recording

device 6 also includes digital buffer memory 14 and digital

memory 12.  The digital memory 12 receives information from a

traffic radio decoder 24.  More specifically, traffic radio

decoder 24 is connected to the output of the radio

demodulator 22 and monitors the demodulated signal for

announcement identifiers of traffic information.  Upon

detecting traffic information, the traffic radio decoder 24

stores the traffic information in a first area of memory 12.

By actuating a playback button 46, the content of memory 12

can be output at any time via playback unit 10.  In contrast,

the user of the radio described in the instant application

has little control over when a message is played, because it is automatic and/or periodic.

The office action indicates that **GROEGER** discloses a controller and erroneously equates the memory controller in **GROEGER** with the micro controller of the instant application. **GROEGER** states, "recording unit 6 is designed as a digital recording unit formed in a known manner from an analog/digital converter, a digital memory 12 with associated controller and a digital/analog converter arranged on the output end." (Col. 2, lines 21-25). Clearly, the controller in **GROEGER** is "associated" with digital memory 12 and is more likely a memory controller concerned with reading and writing operations to the digital memory and, depending on the type of digital memory being used, is also concerned with refreshing and recharging the digital memory.

In contrast, the micro controller of the instant application "serves as a timing and control device." More specifically, the claimed micro controller "directs which prerecorded message is to be played and when it is to be played" as recited in the instant application. The controller of **GROEGER** does not describe timing and control, nor is there specific mention of directing when and which prerecorded message is played.

Appl. No. 10/074,319
Amdt. Dated October 12, 2004
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Clearly, **GROEGER** does not show automatic **or** periodic replacement of "received radio signals with the message" as recited in claim 1 of the instant application. Nor does **GROEGER** teach or suggest "a timer to automatically initiate periodic playback of at least one prerecorded message by said storage and playback circuit" as recited in claim 3 of the instant application.

The **NODA** reference discloses a receiver for text-based multiplex broadcasts. An FM text-based multiplex broadcasting receiver includes memory where an identity code may be written, a device for disclosing a keyword, and a display element for authorized information services. **NODA** also includes a determining circuit to identify whether a received identity code corresponds to the stored identity code. The **NODA** receiver displays information based data that either does not require an identity code or for which the appropriate identity code is stored in memory, but the **NODA** receiver does not display the information when a contract is required and the identity code is not stored in the memory of the receiver.

In many ways **NODA** operates in the opposite way from the instant application. Specifically, **NODA** waits for a received

Appl. No. 10/074,319
Amdt. Dated October 12, 2004
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identity code to allow display of received information based

on data for which the appropriate identity code is stored in

memory.  In contrast, the instant application replaces the

"received information" with a prerecorded message.  Thus

instead of authorizing access to the broadcast data, the

instant application is removing or replacing the broadcast

data.


Clearly, **NODA** does not show automatic initiation of a

"periodic replacement of received radio signals" with a

prerecorded message as recited in claim 1 of the instant

application.  Nor does **NODA** teach or suggest "a timer to

automatically initiate periodic playback of at least one

prerecorded message by said storage and playback circuit" as

recited in claim 3 of the instant application.


New claims 8-13 clarify the automatic detection and

replacement of portions of the received radio broadcast with

prerecorded messages.  For example, claim 13 discusses the

detection of a regular commercial and initiating a periodic

playback process.


New claim 14 describes a method for operating a radio with at

least one prerecorded message for automatic programmed

playback. The radio may either operate in an RDS commercial

replacement mode or in a periodic replacement mode.


It is accordingly believed to be clear that neither **GROEGER**

nor **NODA**, whether taken alone or in any combination, either

show or suggest the features of claims 1, 3, or 14. Claims

1, 3, and 14 are, therefore, believed to be patentable over

the art. The dependent claims are believed to be patentable

as well because they all are ultimately dependent on claims 1

and 3.


In view of the foregoing, reconsideration and allowance of

claims 1-14 are solicited.


In the event the Examiner should still find any of the claims

to be unpatentable, counsel would appreciate receiving a

telephone call so that, if possible, patentable language can

be worked out.


Petition for extension is herewith made. The extension fee

for response within a period of one month pursuant to Section

1.136(a) in the amount of $55.00 in accordance with Section

1.17 is enclosed herewith.

Appl. No. 10/074,319
Amdt. Dated October 12, 2004
Reply to Office Action of June 9, 2004

If an extension of time is required, petition for extension

is herewith made.  Any extension fee associated therewith

should be charged to the Deposit Account of Lerner and

Greenberg, P.A., No. 12-1099.


Please charge any other fees that might be due with respect

to Sections 1.16 and 1.17 to the Deposit Account of Lerner

and Greenberg, P.A., No. 12-1099.


Respectfully submitted,

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